

## REMARKS

Acceptance of the Second Substitute Specification, consideration of a few additional claims, reconsideration of the existing claims, and allowance of the application on the basis of the foregoing amendments, and for other reasons, are respectfully requested.

In the Office Communication mailed 12/28/2004, the Examiner urged that the reply filed on 08/12/04 was not fully responsive to the prior Office Action "because of the following omission(s) or matters(s): A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required".

Accordingly applicant has attached the Second Substitute Specification, as indicated above. With the corrections shown by underlining and by double brackets or strikethrough, and discussed below, applicant urges that the Second Substitute Specification is in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b). Applicant's attorney, the undersigned, has reread 37 CFR 1.52(a) and (b) and the Substitute Specification as variously amended heretofore, and believes this statement to be true.

Changes in the Second Substitute Specification include:

Page 1, line 12: "an" to "a" to provide the correct indefinite article for the noun "recreational product"; and

Page 3, lines 1-3, placing the prior art identification of Scicluna on one line.

It is noted that the instruction on page 5 of the Preliminary Amendment dated April 30, 2001, calling for the rewrite of the penultimate and the last paragraphs on page 10 of the Specification, were referring to the 4<sup>th</sup> and 3<sup>rd</sup> last paragraphs of the Specification.

Claims 1-4 were said to be pending in the application, per the Office Action mailed 07/01/04. They were rejected under 35 USC 102(b) as being anticipated by Echols. Per the Amendment dated August 10, 2004, applicant canceled claims 1-20; noted that the continuation-in-par application was thought to include claims 21-42 of the old application and via Preliminary Amendment of April 30, 2001 added a new claim 43; and observed that the claims all contain limitations defining invention beyond what Echols teaches.

Applicant urges that new claims 44-51 also contain limitations defining invention beyond what Echols teaches. For example, the new claims all require that the rider recreational product for skimming on water and flying through air comprise first parts constituting the wings of the product and engaging the water during skimming on water. The prior art does not teach a rider recreational product for skimming on water and flying though the air, and that comprises wings engaging the water during skimming.

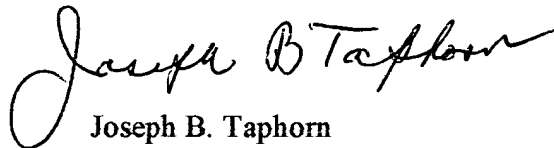
Claims 45-51 relate to claim 44 and to each other in somewhat the same fashion that claims 22-27 do to claim 21 and to each other. Claim 51 requires that the control elements accommodate rider prone, sitting, kneeling and standing positions.

A check for \$300 to cover the filing fee for the additional claims, is attached.

A New Matter Statement signed by the inventor is attached. Applicant's attorney also believes that the Second Substitute Specification contains no new matter.

Wherefore this application deemed to be in condition for allowance, which favorable action at an early date is earnestly solicited.

Respectfully submitted,



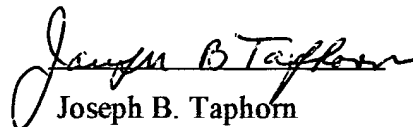
Joseph B. Taphorn

Attorney - Reg. No. 16,788

Tel and Fax 845/462-3262

E-mail jbtaphorn@prodigy.net

CERTIFICATE OF MAILING - The undersigned certifies that this correspondence addressed to the Commissioner for Patents; P.O. 1450; Alexandria, VA 22313-1450; has been deposited in the United States Postal System as first class mail with sufficient postage on January 25, 2005.



Joseph B. Taphorn

Attachments